NORTHERN DISTRICT OF TEXAS
FILED
OCT 15 2004
CLERK, U.S. DISTRICT COURT
by ________ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNA SALINAS, on her behalf and on behalf of those similarly situated,	§	
	§	
Plaintiff,	§	Civil Action No. 3:04-CV-1861-B
	§	
v.	§	
	§	
O'REILLY AUTOMOTIVE, INC.,	§	
	§	
Defendant.	§	

APPENDIX TO DEFENDANT'S MOTION TO TRANSFER VENUE
PURSUANT TO 28 U.S.C. § 1404(a) AND BRIEF IN SUPPORT

BAKER BOTTS, L.L.P.

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O'Reilly Automotive, Inc. submits this Appendix to its Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a) and Brief in Support, which contains the following:

EXHIBITS

Tab	Description	Pages
1	*Washington Post* Press Release	001 - 002
2	Yahoo! Finance Press Release	003 - 004
3	The Auto Channel Press Release	005 - 006
4	Affidavit of Steve Pope	007 - 011
5	9/10/04 Article from *The Springfield News-Leader*, "Woman Sues O'Reilly Over Overtime Pay"	012
6	Letter dated 9/30/04 to Counsel for Defendant O'Reilly Automotive, Inc. from Plaintiff's Counsel Brady Edwards	013 - 014
7	Map of states in which O'Reilly does business	015
8	Plaintiff's Initial Disclosures	016 - 020
9	Mileage Calculation on distance from Oklahoma City to Dallas and Oklahoma City to Springfield, Mo.	021 - 022
10	Judicial Caseload Profile Information	023 - 024

Respectfully submitted,

BAKER BOTTS, L.L.P.

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ATTORNEYS FOR DEFENDANT
O'REILLY AUTOMOTIVE, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent to the following counsel of record this the 15th day of October 2004:

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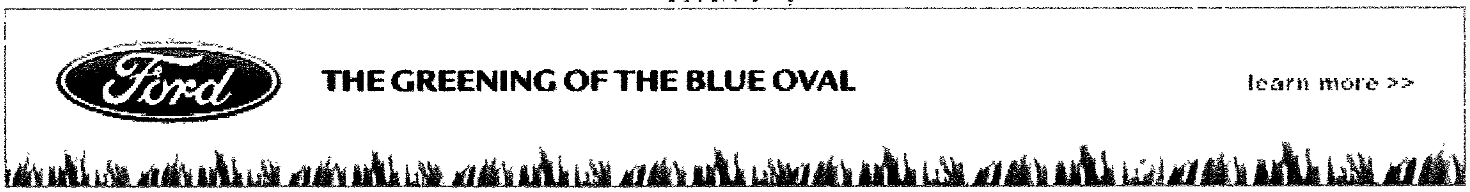

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Edwards & George, LLP Announces Filing of Lawsuit Alleging Federal Overtime Violations By O'Reilly Automotive, Inc. ( )

DALLAS, Sep 9, 2004 /PRNewswire via COMTEX/ -- Thousands of current and former O'Reilly Automotive, Inc. (NASDAQ:ORLY) ("O'Reilly Automotive") employees in 18 states may be affected by a lawsuit alleging that the automotive parts retailer violated Fair Labor Standards Act ("FLSA") overtime regulations.

Filed in federal court in Dallas, the complaint alleges that non-exempt employees at O'Reilly Automotive stores were expected to perform numerous unpaid tasks before and after their paid shifts.

The lawsuit was brought by Anna Salinas, of Midlothian, Texas, who was employed at an O'Reilly Automotive store in Mansfield, Texas from December 1999 to May 2004.

Plaintiffs' counsel J. Derek Braziel, of Edwards & George, LLP in Houston, stated that non-exempt workers have spent significant amounts of time working without pay for O'Reilly Automotive's benefit. He stated that the plaintiffs will seek to have their case proceed as a collective action lawsuit and seek overtime pay, liquidated damages, attorneys' fees and other relief for hourly compensated workers employed during the three years immediately preceding the filing of the lawsuit.

Headquartered in Springfield, Missouri, O'Reilly Automotive operates 1,183 stores in 18 states, according to the company's Web site.

The case is on file in the U.S. District Court for the Northern District of Texas (3-04CV-1861-B). 001

Persons who have evidence regarding this case or who wish to reach attorneys for the plaintiffs should contact:

EDWARDS & GEORGE, LLP J. Derek Braziel, Esq. 208 N. Market St., Ste. 400 Dallas, TX 75202 (214) 749-1400, Ext 5505 (214) 749-1010 Fax (214) 763-2077 Cell

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BRUCKNER BURCH, PLLC Richard J. Burch, Esq. 5847 San Felipe, No. 3900 Houston, TX 77057 (713) 877-8788

SOURCE Edwards & George, LLP

CONTACT: J. Derek Braziel, Esq., +1-214-749-1400, Ext. 5505, or fax, +1-214-749-1010, or cell, +1-214-763-2077, or Brady Edwards, Esq., +1-713-339-3233, or fax, +1-713-339-2233, both of Edwards & George, LLP; or Richard J. Burch, Esq. of Bruckner Burch, PLLC, +1-713-877-8788

URL: http://www.edwards-george.com http://www.prnewswire.com

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Press Release

Source: Edwards & George, LLP

Edwards & George, LLP Announces Filing of Lawsuit Alleging Federal Overtime Violations By O'Reilly Automotive, Inc.

Thursday September 9, 10:36 am ET

DALLAS, Sept. 9 /PRNewswire/ -- Thousands of current and former O'Reilly Automotive, Inc. (Nasdaq: ORLY - News; "O'Reilly Automotive") employees in 18 states may be affected by a lawsuit alleging that the automotive parts retailer violated Fair Labor Standards Act ("FLSA") overtime regulations.

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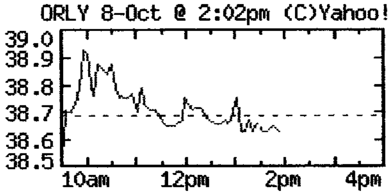

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Source: Edwards & George, LLP

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNA SALINAS, on her behalf and on behalf of those similarly situated,	§	
	§	
Plaintiff,	§	Civil Action No. 3:04-CV-1861-B
	§	
v.	§	
	§	
O'REILLY AUTOMOTIVE, INC.,	§	
	§	
Defendant.	§	

AFFIDAVIT OF STEVE POPE

THE STATE OF MISSOURI §
§
COUNTY OF GREENE §

1. My name is Steve Pope. I am over the age of 18 and competent to give this affidavit. I am currently employed by O'Reilly Automotive, Inc. in the position of Vice President of Human Resources. As Vice President of Human Resources, I have personal knowledge of O'Reilly's personnel policies (including timekeeping, payroll and FLSA compliance policies). I also have personal knowledge about the information set forth in this affidavit.

2. O'Reilly Automotive, Inc. is a retailer of auto parts. It is headquartered in Springfield, Missouri.

3. David O'Reilly, the Chief Executive Officer of O'Reilly Automotive, Inc., resides in Springfield, Missouri.

4. Jim Maynard, Charlie Stallcup and Brett Heintz also reside in Springfield, Missouri. Jim Maynard, O'Reilly's Director of Team Member Relations, has knowledge of complaints of unpaid overtime (or the lack thereof), as well as store manager

training on FLSA requirements and compliance. Charlie Stallcup, O'Reilly's Director of Training, has knowledge of corporate training on the timekeeping system. Brett Heintz, O'Reilly's Director of Retail Systems, has knowledge of store timekeeping systems.

5. Currently, O'Reilly Automotive, Inc. ("O'Reilly") owns and operates 1193 stores, which are located in 18 different states across the country. Those states are Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Carolina, Oklahoma, Tennessee, Texas and Virginia.

6. I lead O'Reilly's Human Resources Department. I work in Springfield, Missouri, as does most of my department. There are about 25 people in the Human Resources department in Springfield. There are no Human Resources employees working at the store level. There are only about 9 Human Resources employees who work outside of Missouri, at various distribution centers around the country. Only one of those works in the Dallas area.

7. The Human Resources group in Springfield develops, approves, implements and oversees all significant O'Reilly personnel policies and practices, including those relating to payroll, timekeeping and Fair Labor Standards Act compliance. All store managers receive training on the FLSA's requirements and compliance. That training (including all training materials) is developed and conducted in Springfield during the management development program, and the store managers are brought to Springfield to receive their training.

8. Most employment-related files are located in Springfield, Missouri. The official personnel files for all current and former O'Reilly employees are maintained

in Springfield. There are hard copies of the active employees' file. The files of former employees are archived on microfiche, typically a few months after they terminate their employment. There is a separate microfiche file for each of these former employees. We have only one machine on which we can print these microfiche files, and doing so is a very time-consuming process. Employees' payroll records are also maintained in Springfield. Their time sheets are maintained in the stores or other locations to which they were assigned.

9. The employee payroll is prepared in Springfield. Employees' hours are entered into the computer at the stores or other locations where they work, and then that information is forwarded to Springfield, where employees' paychecks and direct deposits are processed.

10. O'Reilly's personnel records on Donna Seay reflect a home address in Watauga, Texas. O'Reilly's personnel records on Jay O'Neal reflect a home address in Oklahoma City, Oklahoma. O'Neal worked for O'Reilly only in Oklahoma City. O'Reilly's personnel records on Patrick Gruesbeck reflect a home address in College Station, Texas. Gruesbeck worked for O'Reilly only in College Station.

11. O'Reilly's personnel records on Anna Salinas reflect that during her employment with O'Reilly, she held four different positions: Retail Service Specialist, Night Manager, Assistant Manager and Delivery Service Specialist. These are all non-exempt positions.

12. O'Reilly eliminated the Night Manager position earlier this year, and most of the Night Managers were then reclassified as either Assistant Managers or Retail Service Specialists. As of October 6, 2004, O'Reilly employed approximately 1347

Retail Service Specialists, approximately 1160 Assistant Managers and approximately 3255 Delivery Service Specialists nationwide. That is a total of approximately 5762 employees in these positions. I expect that the turnover rate affecting these positions this year will be approximately 81%. That means that in addition to the 5762 O'Reilly employees currently holding those positions, there could be an additional approximately 4600 persons who terminated or will terminate from one of those positions this year. Thus, there could be approximately 10,000 who hold or have held one of these jobs during 2004. Assuming 2001-2003 are similar, the total number of current and former employees in those positions over the last 3 years could be around 20,000 people.

13. I would estimate that an average O'Reilly employee's personnel file consists of 25 pages. Thus, for 5762 employees, the personnel files alone would likely consist of more than 144,000 pages.

14. Airlines that service the Springfield airport include American, Delta, United, and Northwest.

Further, Affiant sayeth not.

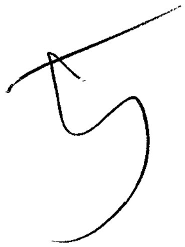
Steve Pope

SUBSCRIBED TO AND SWORN TO BEFORE ME, this 6th day of October, 2004, to certify which witness my hand and seal of office.

Helen S. Forehand

Notary Public

HELEN S. FOREHAND
Notary Public - Notary Seal
STATE OF MISSOURI
Webster County
My Commission Expires Mar. 14, 2008



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Nasdaq	1,869.65	▲	+19.01	+1.03%
Russell 2000	566.18	▲	+8.39	+1.50%

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Health care premiums rise again

11.2 percent increase has some worried insurance will become unaffordable.

By Theresa Agovino
THE ASSOCIATED PRESS

NEW YORK — Four years of double-digit growth in health care premiums is taking a toll on workers: There are at least 5 million fewer jobs providing health insurance in 2004 than there were in 2001, a new study found.

Family premiums in employer-sponsored health plans jumped 11.2 percent to $9,950 annually, according to the survey released Wednesday of 3,017 employers by the Kaiser Family Foundation and the Health Research and Educational Trust.

This year, 63 percent of employers offered health benefits to workers, down from 68 percent in 2001. The change is primarily driven by a decrease in the number of small employers that offer coverage.

The average premium for a family of four grew to $9,950 annually. The family premium for a preferred provider organization, the most common type of insurance, hit $10,217 — the first time it broke $10,000. PPOs are plans that provide members with a network of discounted providers that charge a co-payment but also allows for the use of other doctors and hospitals.

Employers with three to 24 workers reported the biggest hike in the average family premium, 13.6 percent.

"Health insurance is becoming unaffordable, especially for small employers. We should expect the ranks of uninsured to grow as small employers can't afford health insurance," said Drew Altman, president of the Kaiser Family Foundation.

Altman noted that the hike in health premiums outpaced both the 2.2 percent growth in wages and 2.3 percent growth in inflation by five times.

"There is a great sense that there is just no answer to this problem," Altman added.

The average premium for single coverage rose 9.2 percent to $3,383 annually.

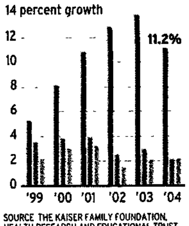
The percentage employees paid toward the premiums remained steady with singles picking up 16 percent of the tab, the same as in 2003. Employees paid 28 percent of the family premium, up from 27 percent last year.

However, singles' out-of-pocket costs for the premium rose 9.8 percent to $558 annually while a worker's cost for family premium rose 10.3 percent to $2,661.

Since 2001, employee contributions increased 57 percent for single coverage and 49 percent for family coverage.

Premium growth

Over the past six years, health insurance premiums have grown at a much faster rate than workers earnings, according to a survey



SOURCE: THE KAISER FAMILY FOUNDATION, HEALTH RESEARCH AND EDUCATIONAL TRUST

THE ASSOCIATED PRESS

Dan Brown's book has fans flocking to featured sites

Tourists following the 'Da Vinci' trail

By Angela Doland
THE ASSOCIATED PRESS

PARIS — It began with a prophecy at Paris' Saint-Sulpice church. An American visitor pressed a thick volume into the pastor's hands and said, "My father, this book is going to cause you many troubles."

The book was "The Da Vinci Code," before it became a worldwide best seller. And the visitor's prediction came true.

Dan Brown's mystical thriller has spawned a mini-industry in European travel, with enthralled readers touring the locations in its plot to unravel its enigmas. From Scotland to France, they are scrutinizing old sites with new questions.

In Paris, fans ask: Are there really 666 panes of glass in the Louvre's pyramid?

And at Saint-Sulpice, which is repeatedly featured in the novel, they come to snap photos of the church's obelisk — the spot where the book's murderous albino monk starts a quest for the Holy Grail. (The plot only gets stranger from there.)

For the church's pastor, the Rev. Paul Roumanet, this newfound fame has proved a headache. He's fielded so many questions that he finally posted a sign to debunk the book's claims. It starts, "Contrary to the fantastical allegations in a recent best seller ..."

"It's very unpleasant, everything that (Brown) scooped out of the trash cans of history," Roumanet said.

"The Da Vinci Code" is a mix of code-breaking, art history, secret societies, religion and lore, all wrapped up in short, fast-paced chapters. Several other books have tried to debunk its contentious allegations — namely, that Jesus married Mary Magdalene and sired a bloodline.

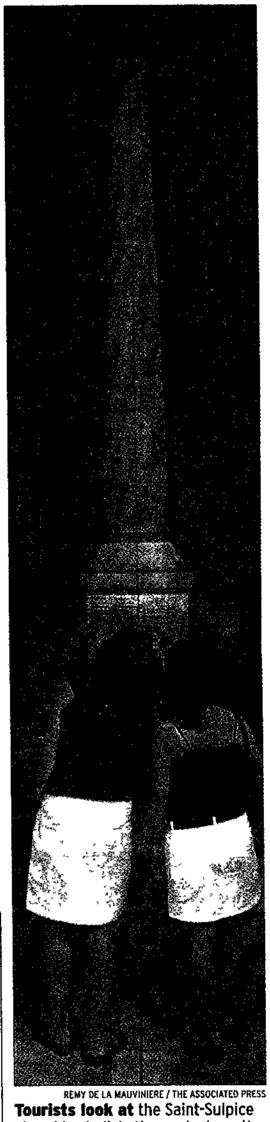
The novel recently became the No. 1 fiction book in France, where intellectuals have dissected it on television and in the editorial pages. In the United States, the book is No. 1 on The New York Times best-seller list, where it has remained for 76 weeks.

The novel cites as many locations as a travel guide — prompting tourism Web site fodors.com to offer an online "Da Vinci" itinerary. The guide offers historical tidbits about the novel's settings, from the Temple Church in London, to Rosslyn Chapel in Scotland, to the Ritz Hotel in Paris.

In London, even Madonna got the bug. British Tours Ltd. says it recently took the pop star and her husband, Guy Ritchie, to see London sites mentioned in the book.

The company's marketing director, Jason Doll-Steinberg, likens the novel's puzzles to the enigma of Stonehenge, a prehis-

See **"Da Vinci,"** Page 8B

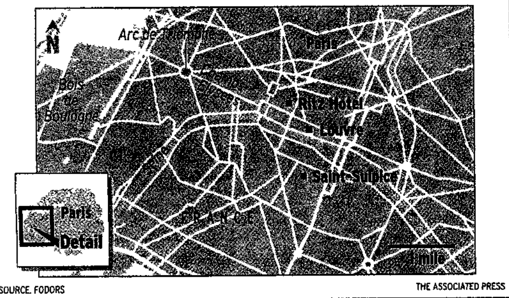


REMY DE LA MAUVINIERE / THE ASSOCIATED PRESS

Tourists look at the Saint-Sulpice church's obelisk, the spot where the murderous albino monk starts a quest for the Holy Grail in Dan Brown's "The Da Vinci Code." Brown's book has spawned a mini-industry in European travel, with enthralled readers touring the locations that figure in the plot to unravel its enigmas. Some welcome the traffic, others don't.

'Code' sparks new travel fad

Dan Brown's mystical thriller, "The Da Vinci Code," has spawned a mini-industry in European travel - a tour of locations that figure in the plot to unravel the code.



SOURCE: FODORS

THE ASSOCIATED PRESS

Woman sues O'Reilly over overtime pay

Anna Salinas of Texas alleges company didn't pay for work; CEO denies charge.

By Ryan Slight
RSLIGHT@NEWS-LEADER.COM

A Texas woman has sued a Springfield-based automotive business that allegedly failed to provide her overtime pay during nearly five years of service.

Anna Salinas of Midlothian, Texas, claimed in the civil lawsuit filed last month at the U.S. Courthouse in Dallas that O'Reilly Auto Parts made her and other hourly compensated workers perform unpaid duties before and after their shifts.

Houston attorney Brady Edwards of the Texas-based firm Edwards and George will seek to make the case a collective action lawsuit. The case could involve thousands of potential plaintiffs, showing how "widespread" violations are within O'Reilly, he alleged.

O'Reilly

David O'Reilly, the company's chief executive officer, denied the former employee's allegation on Thursday and said his business will aggressively fight the lawsuit.

"We've never had anything like this filed against our business before," he said. "Unfortunately, as we've grown, we're subjected to law firms like this soliciting these kinds of lawsuits."

The Springfield company — one of the country's largest retailers of auto parts — pays employees thousands in overtime each year, O'Reilly said.

The company has strict policies requiring employees to document the hours they worked, he said.

The CEO said he had not viewed the lawsuit, but had not heard any employee complaints regarding overtime pay.

The federal complaint said Salinas deserved one and a half times her regular pay rate when working more than 40 hours a week in accordance with the Fair Labor Standards Act. She was employed at an O'Reilly store in Mansfield, Texas, from December 1999 to May 2004.

The document requested Salinas receive liquidated damages, unpaid back wages, and attorney fees after the business "acted willfully in failing to pay."

Edwards said he was examining how much unpaid overtime Salinas and others allegedly accumulated.

The attorney said his firm handles about 150 cases annually involving alleged overtime pay abuses, which he considered fairly rampant among businesses.

"Sometimes smaller companies are doing it because they don't know, and sometimes larger companies do know, but find it easier to violate the law," Edwards said.

According to its Web site, O'Reilly Auto Parts operates 1,183 stores in 18 states. A 1998 merger with Hi/LO Auto Supply made the company one of the largest businesses of its kind.

Founded in 1957, O'Reilly announced record revenues and earnings in this year's second quarter. Total sales are estimated to exceed $1.7 billion in 2004.

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EDWARDS & GEORGE, LLP

1000 LOUISIANA STREET, SUITE 1300
HOUSTON, TEXAS 77002
TELEPHONE 713-339-3233
FACSIMILE 713-339-2233

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VIA HAND DELIVERY

September 30, 2004

Ms. Teresa Valderrama
Baker Botts L.L.P.
910 Louisiana
Houston, Texas 77002

John M. Williams
Luttrell & Williams, P.C.
3000 Wesleyan, Suite 350
Houston, Texas 77027

Ms. Kathryn Vaughn
Baker Botts L.L.P.
910 Louisiana
Houston, Texas 77002

L. Don Luttrell
Luttrell & Williams, P.C.
3000 Wesleyan, Suite 350
Houston, Texas 77027

Re: C.A. No. 3-04CV-1861-B; *Anna Salinas, on her behalf and on behalf of those similarly situated v. O'Reilly Automotive, Inc.*; In the United States District Court for the Northern District of Texas; Dallas Division

Dear Counsel:

As you know, this is a nationwide collective action brought under the terms of the Fair Labor Standards Act. Without trying to get into any type of argument, I think it is fair to say that it is (at least potentially) a very large case.

Since this case started, we have provided copies of our filings and correspondence to all of the defense lawyers. In fact, we were so inclusive that one of your partners (Eric Senske) asked to be removed. In return, several letters from your office were sent only to me. I requested that you send materials to each of the three plaintiffs' lawyers listed on our original complaint.

I was surprised to receive a letter from you whereby you refuse to send copies to my partner in Dallas because of the "unwarranted cost" of serving multiple lawyers in one firm. Given the nature of this case and the local rules in the Northern District of Texas, this seems both unreasonable and petty.

Please note that Local Rule 83.10 states that "local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district." Moreover, the rule provides that "[l]ocal counsel must be authorized to present and argue a party's position at any hearing called by the presiding judge on short notice. Local counsel must also be able to perform, on behalf of the party represented, any other duty required by the presiding judge or the local rules of this court."

Derek Braziel is serving as an integral member of our team on this case (as well as our local counsel), and in order for him to be able to comply with the mandates of the rule, we must insist that he appear on your service list.

However, in an effort to address your concern regarding the "unwarranted cost" of serving three plaintiffs' lawyers, I have enclosed a roll of postage stamps for your use. Please let me know when your supply runs low, and I will send you another roll.

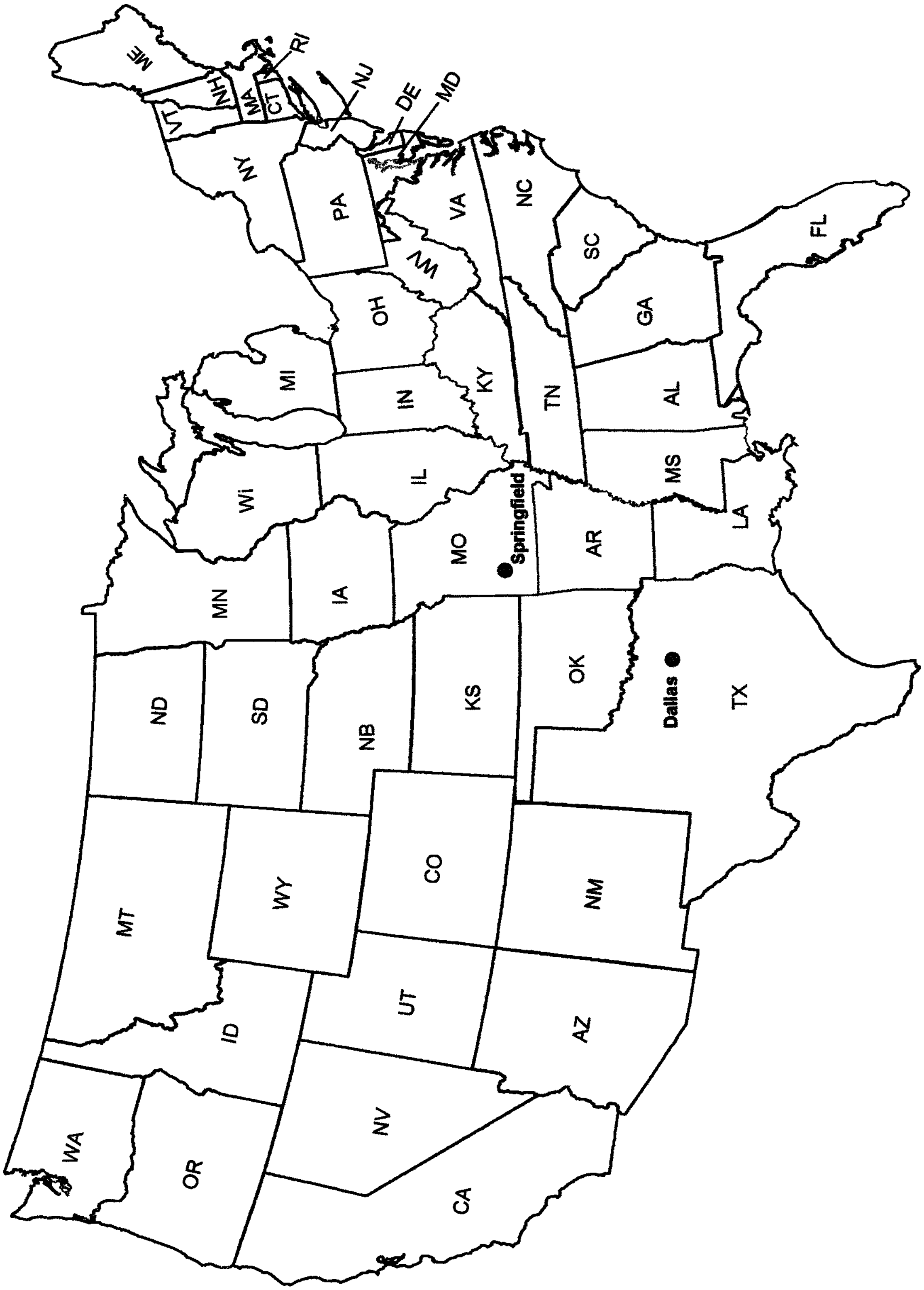
If you need to send something faster, please fax it to Derek and Rex. If you will then notify my office, I will send a runner to retrieve it from your office. After all, it seems difficult to imagine running up too much of a bill given that we are directly across the street from one another.

I trust that this will address your concerns. Please notify me if you continue to refuse to include Derek Braziel on your service list so that we can raise this incredibly petty issue with the court.

Sincerely,

Brady Edwards

cc: Derek Braziel
Rex Burch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8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANNA SALINAS, on her behalf and on	§	
behalf of those similarly situated,	§	
	§	**Civil Action No.3:04-CV-1861-B**
v.	§	
	§	
O'REILLY AUTOMOTIVE, INC.	§	**Jury Demanded**

INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs file their Initial Disclosures.

A. Individuals with Discoverable Information

Anna Salinas
c/o EDWARDS & GEORGE, LLP
1000 Louisiana, Suite 1300
Houston, Texas 77002
(713) 339-3233
(713) 339-2233 [fax]

Ms. Salinas is a plaintiff in this lawsuit and has discoverable information regarding the claims that she has alleged against the defendants and the damages that she seeks by way of this lawsuit. Ms. Salinas also has information regarding the identities of potential plaintiffs who may be eligible to join this lawsuit.

Pat Gruesbeck
c/o EDWARDS & GEORGE, LLP
1000 Louisiana, Suite 1300
Houston, Texas 77002
(713) 339-3233
(713) 339-2233 [fax]

Ms. Gruesbeck is a plaintiff in this lawsuit and has discoverable information regarding the claims that she has alleged against the defendants and the damages that she seeks by way of this lawsuit. Ms. Gruesbeck also has information regarding the identities of potential plaintiffs who may be eligible to join this lawsuit.

O'Reilly Automotive, Inc.
c/o Teresa S. Valderrama
One Shell Plaza
910 Louisiana
Houston, Texas 77002
John M. Williams
L. Don Luttrell
3000 Weslayan, Suite 350
Houston, Texas 77027

O'Reilly Automotive, Inc. is a defendant in this lawsuit and has information regarding the claims and defenses asserted in this lawsuit.

David O'Reilly
c/o c/o Teresa S. Valderrama
One Shell Plaza
910 Louisiana
Houston, Texas 77002
John M. Williams
L. Don Luttrell
3000 Weslayan, Suite 350
Houston, Texas 77027

David O'Reilly is the CEO of O'Reilly Automotive. Based upon his media statement, he has personal knowledge regarding the claims and defenses asserted in this lawsuit.

David George
Brady Edwards
J. Derek Braziel
EDWARDS & GEORGE, LLP
1000 Louisiana, Suite 1300
Houston, Texas 77002
(713) 339-3233
(713) 339-2233 [fax]

These lawyers may testify regarding Plaintiffs' attorney's fees and therefore have discoverable information regarding reasonable and necessary attorney's fees associated with this type of litigation.

B. Relevant Documents

Plaintiffs may have a small collection of documents related to this case. If Plaintiffs locate responsive documents, copies of the collection will be produced to counsel for Defendants under separate cover. Plaintiffs will supplement should they discover that they possess any additional documents relevant to this lawsuit.

C. Damages

Plaintiffs have yet to perform a detailed calculation of their damages. Plaintiffs will perform such a calculation and will supplement this response at that time. Plaintiffs seek recovery of the unpaid overtime wages, liquidated damages, and mandatory attorneys' fees as provided by the Fair Labor Standards Act. Please note, however, that any estimates will not include attorneys' fees, which continue to mount in this case.

D. Insurance

Not applicable.

Plaintiff reserves the right to amend, revise, and/or supplement these disclosures in accordance with the Federal Rules of Civil Procedure.

Respectfully submitted,

Brady Edwards
State Bar No. 00793021
EDWARDS & GEORGE, LLP
1000 Louisiana, Suite 1300
Houston, Texas 77002
713.339.3233
713.339.2233 (facsimile)

Derek Braziel
State Bar No. 00793380
EDWARDS & GEORGE, LLP
208 N. Market Street, Suite 400
Dallas, Texas 75202
214.749.1400
214.749.1010 (facsimile)

Richard J. (Rex) Burch
State Bar No. 24001807
BRUCKNER BURCH PLLC
5847 SAN FELIPE, SUITE 3900
HOUSTON, TEXAS 77057
(713) 877-8788 - Telephone
(713) 877-8065 - Facsimile

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served in accordance with the Federal Rules of Civil Procedure on September 22, 2004 as follows:

Teresa S. Valderrama
Kathyrn S. Vaughn
Baker Botts, LLP
One Shell Plaza
910 Louisiana
Houston, Texas 77002

John M. Williams
L. Don Luttrell
3000 Weslayan, Suite 350
Houston, Texas 77027

Brady Edwards

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Now easily create expense reports using free trial software!
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www.ChaseCreditCard cc

Frequent Flyer Cards
Compare Frequent Flyer Credit Cards Apply Now and Start Earning Miles
Credit-Card-Applications-Center.com

Mileage Calculator Results

The distance from Oklahoma City, Oklahoma to Dallas, Texas is approximately 189.6 miles (305.1 km).

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Redeem Points for Flights, Hotels, Cruises & Car Rentals - Apply Now!
www.ChaseCreditCard.cc

MileageWiz Software
Creates your entire years IRS conforming Mileage Log in minutes.
www.MileageWiz.com

Frequent Flyer Cards
Compare Frequent Flyer Credit Cards Apply Now and Start Earning Miles
Credit-Card-Applications-Center.com

Business Expense Reports?
Create professional expense reports quickly using free trial software!
http://www.expense-reports.com/

Mileage Calculator Results

The distance from Oklahoma City, Oklahoma to Springfield, Missouri is approximately 263.7 miles (424.3 km).

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U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

			12-MONTH PERIOD ENDING SEPTEMBER 30							
MISSOURI WESTERN			2003	2002	2001	2000	1999	1998	Numerical Standing	
OVERALL CASELOAD STATISTICS	Filings*		2,987	3,073	3,079	2,124	2,766	2,904	U.S.	Circuit
	Terminations		3,012	3,229	2,699	2,614	2,882	3,206		
	Pending		2,465	2,523	2,674	1,713	2,285	2,414		
	% Change in Total Filings	Over Last Year		-2.8					62	9
		Over Earlier Years			-3.0	40.6	8.0	2.9	56	7
Number of Judgeships			6	6	6	6	6	6		
Vacant Judgeship Months**			.0	10.2	12.0	8.3	.0	.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	498	513	513	354	461	484	34	4
		Civil	363	399	427	272	400	427	42	4
		Criminal Felony	110	89	86	82	61	57	19	4
		Supervised Release Hearings**	25	25	-	-	-	-	27	4
	Pending Cases		411	421	446	286	381	402	45	5
	Weighted Filings**		573	558	576	452	495	503	28	4
	Terminations		502	538	450	436	480	534	28	3
	Trials Completed		18	25	20	27	31	32	52	7
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	8.9	9.0	9.6	8.9	8.5	8.4	67	8
		Civil**	10.3	10.4	10.8	11.7	11.1	11.0	61	7
	From Filing to Trial** (Civil Only)		21.0	18.0	19.0	19.5	20.5	17.3	33	6
OTHER	Civil Cases Over 3 Years Old**	Number	43	31	32	28	32	68		
		Percentage	2.3	1.5	1.4	2.1	1.6	3.2	31	6
	Average Number of Felony Defendants Filed Per Case		1.4	1.4	1.5	1.7	1.7	1.6		
	Jurors	Avg. Present for Jury Selection	42.59	44.71	64.95	50.58	41.72	38.51		
		Percent Not Selected or Challenged	38.3	34.1	51.8	41.1	27.9	23.3		

2003 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	2177	314	2	614	24	9	134	169	249	44	402	3	213
Criminal*	658	40	8	292	4	18	178	**	14	60	1	18	25

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not
** See "Explanation of Selected Terms."

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U.S. DISTRICT COURT - JUDICIAL CASELOAD PROFILE

TEXAS NORTHERN			2003	2002	2001	2000	1999	1998	Numerical Standing	
			12-MONTH PERIOD ENDING SEPTEMBER 30						U.S.	Circuit
OVERALL CASELOAD STATISTICS	Filings*		6,985	6,591	5,991	7,271	6,590	6,448		
	Terminations		6,111	6,413	6,406	7,010	6,508	6,402		
	Pending		5,455	4,496	4,342	4,786	4,586	4,649		
	% Change in Total Filings	Over Last Year		6.0					28	3
		Over Earlier Years			16.6	-3.9	6.0	8.3	45	6
Number of Judgeships			12	12	12	12	12	12		
Vacant Judgeship Months**			2.4	18.4	12.0	5.4	12.0	23.0		
ACTIONS PER JUDGESHIP	FILINGS	Total	582	549	499	606	549	537	15	5
		Civil	479	462	431	529	473	468	10	3
		Criminal Felony	78	64	68	77	76	69	39	4
		Supervised Release Hearings**	25	23	-	-	-	-	27	3
	Pending Cases		455	375	362	399	382	387	26	4
	Weighted Filings**		599	509	506	514	543	552	23	6
	Terminations		509	534	534	584	542	534	25	5
	Trials Completed		27	24	28	26	25	27	14	3
MEDIAN TIMES (months)	From Filing to Disposition	Criminal Felony	5.9	6.3	5.9	5.8	5.5	5.5	13	3
		Civil**	7.2	6.6	7.1	6.6	7.9	7.9	11	2
	From Filing to Trial** (Civil Only)		18.6	18.7	23.3	17.0	18.5	20.2	23	4
OTHER	Civil Cases Over 3 Years Old**	Number	126	69	86	62	68	168		
		Percentage	2.8	1.8	2.3	1.5	1.7	4.2	43	7
	Average Number of Felony Defendants Filed Per Case		1.5	1.7	1.7	1.5	1.6	1.6		
	Jurors	Avg. Present for Jury Selection	50.46	56.30	47.80	48.05	47.60	39.25		
		Percent Not Selected or Challenged	54.9	54.1	52.7	48.3	54.0	43.3		

2003 CIVIL AND CRIMINAL FELONY FILINGS BY NATURE OF SUIT AND OFFENSE

Type of	TOTAL	A	B	C	D	E	F	G	H	I	J	K	L
Civil	5752	279	15	1999	77	20	242	592	883	209	695	6	735
Criminal*	924	245	26	149	7	38	131	**	45	179	9	34	61

* Filings in the "Overall Caseload Statistics" section include criminal transfers, while filings "By Nature of Offense" do not.
** See "Explanation of Selected Terms "

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